

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM A. FENSTERMACHER : CIVIL ACTION  
vs. :  
FRANK D. GILLIS and :  
THE DISTRICT ATTORNEY OF THE :  
COUNTY OF NORTHAMPTON and :  
THE ATTORNEY GENERAL OF THE :  
STATE OF PENNSYLVANIA : NO. 05-CV-344

ORDER

AND NOW, this 13<sup>th</sup> day of July, 2005, upon  
consideration of the pleadings and record herein, and after  
review of the Report and Recommendation of United States  
Magistrate Judge Charles B. Smith and the Petitioner's Objections  
thereto, it is hereby ORDERED that:

1. The Report and Recommendation is APPROVED  
and ADOPTED.
2. The Petition for Writ of Habeas Corpus pursuant to  
28 U.S.C. §2254 is DENIED.
3. There is no probable cause to issue a  
certificate of appealability.

BY THE COURT:

s/J. Curtis Joyner  
J. CURTIS JOYNER, J.